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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
13 Against:

14 **HAYDEE LEE GONZALES TULAGAN**

15 Respondent.

Case No. 2012-239

OAH No. 2012010865

16 **DEFAULT DECISION AND ORDER**

[Gov. Code, § 11520]

17 **FINDINGS OF FACT**

18 1. On or about October 17, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her  
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
20 of Consumer Affairs, filed Statement of Issues No. 2012-239 against Haydee Lee Gonzales  
21 Tulagan (Respondent) before the Board of Registered Nursing.

22 2. On or about January 5, 2011, Respondent filed an Application for Licensure by  
23 Examination (Application) dated January 3, 2011, with the Board of Registered Nursing to obtain  
24 a Registered Nurse License.

25 3. On or about March 29, 2011, the Board issued a letter denying Respondent's  
26 Application. On or about April 6, 2011, Respondent, through her attorney, Jeffrey Morris of the  
27 Law Offices of L. Rob Werner, 27257 1/2 Camp Plenty Road, Santa Clarita, CA 91351, appealed  
28 the Board's denial of her Application and requested a hearing.

1           4.    On or about October 18, 2011, an employee of the Department of Justice, served by  
2   Certified and First Class Mail a copy of the Statement of Issues No. 2012-239, Statement to  
3   Respondent, Notice of Defense, Request for Discovery, Government Code sections 11507.5,  
4   11507.6, and 11507.7, Notice from Respondent/Applicant, and Notice of Hearing to Respondent's  
5   address on the application form, which was and is 2575 West Sierra Highway  
6   Acton, CA 93510. A copy of the Statement of Issues is attached as Exhibit A, and is incorporated  
7   herein by reference.

8           5.    Service of the Statement of Issues was effective as a matter of law under the  
9   provisions of Government Code section 11505, subdivision (c)

10          6.    On or about March 30, 2012, Respondent sent a letter expressing her wish to  
11   withdraw her request to appeal. The letter is attached as Exhibit B and is incorporated by  
12   reference.

13          7.    Business and Professions Code section 118 states, in pertinent part:

14               (a) The withdrawal of an application for a license after it has been filed with a  
15               board in the department shall not, unless the board has consented in writing to such  
16               withdrawal, deprive the board of its authority to institute or continue a proceeding  
              against the applicant for the denial of the license upon any ground provided by law or  
              to enter an order denying the license upon any such ground.

17          8.    Government Code section 11506 states, in pertinent part:

18               (c) The respondent shall be entitled to a hearing on the merits if the respondent  
19               files a notice of defense, and the notice shall be deemed a specific denial of all parts  
20               of the accusation not expressly admitted. Failure to file a notice of defense shall  
              constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
              may nevertheless grant a hearing.

21          9.    California Government Code section 11520 states, in pertinent part:

22               (a) If the respondent either fails to file a notice of defense or to appear at the  
23               hearing, the agency may take action based upon the respondent's express admissions  
24               or upon other evidence and affidavits may be used as evidence without any notice to  
25               respondent; and where the burden of proof is on the respondent to establish that the  
              respondent is entitled to the agency action sought, the agency may act without taking  
              evidence.

26          10.   Pursuant to its authority under Government Code section 11520, the Board finds  
27   Respondent is in default. The Board will take action without further hearing and finds that the  
28   allegations in Statement of Issues No. 2012-239 are true.

**DETERMINATION OF ISSUES**

1. Based on the foregoing, Respondent Haydee Lee Gonzales Tulagan has subjected her application for a Registered Nurse License to denial.

2. Respondent has withdrawn her request for a hearing and therefore has not met her burden of proof to establish that a license should be issued.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to deny Respondent's application for licensure based upon the following violations alleged in the Statement of Issues:

a. Business and Professions Code sections 2736 and 480, subdivision (a)(1) – conviction of a substantially related crime;

b. Business and Professions Code sections 2736 and 480, subdivision (a)(3)(A) – conduct warranting denial of a license.

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues  
Against:

Case No. 2012-239

OAH No. 2012010865

**HAYDEE LEE GONZALES TULAGAN**

Respondent.

**DECISION AND ORDER**

IT IS SO ORDERED that the application for Registered Nurse License, filed by Respondent Haydee Lee Gonzales Tulagan, is denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 31, 2012.

It is so ORDERED August 3, 2012  
*Raymond Mallat*

**FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS**

Attachment:

Exhibit A: Statement of Issues No.2012-239

Exhibit B: Letter of Withdrawal of Appeal

Exhibit A

Statement of Issues No. 2012-239

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 LINDA L. SUN  
Deputy Attorney General  
4 State Bar No. 207108  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6375  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
Against:

Case No. 2012 - 239

13 **HAYDEE LEE GONZALES TULAGAN**  
2575 West Sierra Highway  
14 Acton, CA 93510

**STATEMENT OF ISSUES**

15 Registered Nurse License Applicant

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
21 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs (Board).

23 2. On or about January 5, 2011, the Board received an application for a Registered  
24 Nurse License from Haydee Lee Gonzales Tulagan (Respondent). On or about January 3, 2011,  
25 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and  
26 representations in the application. The Board denied the application on March 29, 2011.

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1       "(a) Unprofessional conduct, . . .

2       . . . .

3       "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
4 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
5 conclusive evidence thereof. . . ."

6       8.   Section 2762 states, in pertinent part:

7       "In addition to other acts constituting unprofessional conduct within the meaning of this  
8 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
9 chapter to do any of the following:

10      . . . .

11      "(b) Use any controlled substance as defined in Division 10 (commencing with  
12 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as  
13 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
14 injurious to himself or herself, any other person, or the public or to the extent that such use  
15 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
16 license.

17      "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
18 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
19 or the possession of, or falsification of a record pertaining to, the substances described in  
20 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
21 thereof. . . ."

22                                   **REGULATORY PROVISIONS**

23      9.   California Code of Regulations, title 16, section 1444, states:

24      "A conviction or act shall be considered to be substantially related to the qualifications,  
25 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
26 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
27 safety, or welfare. . . ."

28      ///





1 c. Sections 2761, subdivision (a), and 2762, subdivision (b), on the grounds of  
2 unprofessional conduct, for using alcoholic beverages to an extent or in a manner dangerous or  
3 injurious to herself or to the public.

4 d. Complainant refers to and by this reference incorporates the allegations set forth  
5 above in paragraph 10, subparagraphs a and b, inclusive, as though set forth fully.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
8 and that following the hearing, the Board of Registered Nursing issue a decision:

- 9 1. Denying Haydee Lee Gonzales Tulagan's application for a Registered Nurse License;  
10 and  
11 2. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: October 17, 2011

14 Louise R. Bailey  
15 LOUISE R. BAILEY, M.ED., RN  
16 Executive Officer  
17 Board of Registered Nursing  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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24 LA2011600886  
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**Exhibit B**

**March 30, 2012 Letter**

March 30, 2012

Haydee Lee G. Tulagan  
Case no: 2012-239  
OAH no: 2012010865  
2575 Sierra Highway.  
Acton, Ca 93510  
(661) 435-4263, [Oneapple123@aol.com](mailto:Oneapple123@aol.com)

To Linda L. Sun,

Thank you for giving me the opportunity of a court date (June 25<sup>th</sup>, 2012) for my court appeal in relation to attaining my chance to take the California Board Exam. Though I am very appreciative of this offer, I would like to inform you that I am no longer interested in pursuing this opportunity in court. Also if it is possible, I would also like to place this matter under seal because I have noticed that these documents are accessible for public display on the internet. .

I am sorry for all the inconvenience I may have caused. Thank you for taking your time on this matter.

- Haydee Lee G. Tulagan

